

STATE OF IOWA  
PROPERTY ASSESSMENT APPEAL BOARD

**Sunil & Amy Bansal,**  
Petitioners-Appellant,

v.

**Dallas County Board of Review,**  
Respondent-Appellee.

**ORDER**

**Docket No. 10-25-0729**  
**Parcel No. 12-23-256-001**

On July 25, 2011, the above-captioned appeal came on for hearing before the Iowa Property Assessment Appeal Board. The appeal was conducted under Iowa Code section 441.37A(2)(a-b) and Iowa Administrative Code rules 701-71.21(1) et al. Petitioners-Appellants, Sunil and Amy Bansal, requested a hearing. Rick Wanamaker of Iowa Realty, West Des Moines, Iowa, was designated as their legal representative and represented them at hearing. The Dallas County Board of Review designated County Attorney Wayne M. Reisetter as its legal representative. It was represented by Assessor Steve Helm at hearing. Bansals submitted evidence in support of their position. The Appeal Board now having examined the entire record, heard the testimony, and being fully advised, finds:

***Findings of Fact***

Sunil and Amy Bansal, owners of property located at 15912 Aurora Avenue, Urbandale, Iowa, appeal from the Dallas County Board of Review decision reassessing their property. According to the property record card, the subject property consists of a two-story frame dwelling having 2612 square feet of living area. The property was built in 2005 and has an 840 square foot attached garage. The dwelling has a 2+5 quality grade factor and is in normal condition. The site consists of 0.343 acres.

The real estate was classified as residential on the initial assessment of January 1, 2010, and valued at \$412,760; representing \$89,590 in land value and \$323,170 in improvement value. This was the same value as the previous 2009 assessment year. Bansals protested to the Board of Review on the

ground that there has been a change downward in value since the last assessment under Iowa Code sections 441.37(1) and 441.35(3). The Board of Review denied the protest.

Bansals filed their appeal with this Board and urged the same ground. The property was listed for sale in October 2008 for \$449,000. The listing price was lowered over a two-year period until the Bansals purchased it in February 2010 for \$375,200. Bansals claim \$375,200 is the actual value and fair assessment.

Rick Wanamaker testified on behalf of Bansals that he was their selling agent. In his opinion, the sale was a normal sale at full price. Wanamaker is an experienced realtor for Iowa Realty and testified the sales price of \$375,200 is the best indication of fair market value and should be the assessed value. They included a copy of the purchase agreement to verify the sales price.

The Dallas County Board of Review did not submit any evidence or call any witnesses at hearing.

Wanamaker was a very credible witness. Although Bansals' evidence suggests the property might be over-assessed if this was a regular assessment year, the evidence does not demonstrate there has been a downward change in value since the previous assessment. In order to show a change in value, both the January 1, 2010, and the January 1, 2009, fair market value must be proved.

### *Conclusions of Law*

The Appeal Board based its decision on the following law.

The Appeal Board has jurisdiction of this matter under Iowa Code sections 421.1A and 441.37A (2009). This Board is an agency and the provisions of the Administrative Procedure Act apply to it. Iowa Code § 17A.2(1). This appeal is a contested case. § 441.37A(1)(b). The Appeal Board determined anew all questions arising before the Board of Review related to the liability of the property to assessment or the assessed amount. § 441.37A(3)(a). The Appeal Board considers only those grounds presented to or considered by the Board of Review. § 441.37A(1)(b). But new or

additional evidence may be introduced. *Id.* The Appeal Board considers the record as a whole and all of the evidence regardless of who introduced it. § 441.37A(3)(a); *see also Hy-vee, Inc. v. Employment Appeal Bd.* 710 N.W.2d 1, 3 (Iowa 2005). There is no presumption that the assessed value is correct. § 441.37A(3)(a).

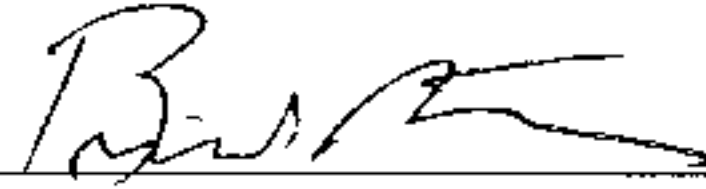
In Iowa, property is to be valued at its actual value. Iowa Code § 441.21(1)(a). Actual value is the property's fair and reasonable market value. *Id.* "Market value" essentially is defined as the value established in an arm's-length sale of the property. § 441.21(1)(b). Sales prices of the property or comparable properties in normal transactions are to be considered in arriving at market value. *Id.* If sales are not available, "other factors" may be considered in arriving at market value. § 441.21(2). The assessed value of the property "shall be one hundred percent of its actual value." § 441.21(1)(a).

In a non-reassessment or "interim" year, when the value of the property has not changed, a taxpayer may challenge its assessment on the basis that there has been a downward trend in value. *Eagle Food Ctrs., Inc. v. Bd. of Review of the City of Davenport*, 497 N.W.2d 860, 862 (Iowa 1993). The last unnumbered paragraph of Iowa Code section 441.37(1) and its reference to section 441.35(3) give rise to the claim of downward trend in value. For a taxpayer to be successful in its claim of change in value, the taxpayer must show a change in value from one year to the next; the beginning and final valuation. *Equitable Life Ins. Co. of Iowa v. Bd. of Review of the City of Des Moines*, 252 N.W.2d 449, 450 (Iowa 1997) The assessed value cannot be used for this purpose. *Id.* Essentially, it is not enough for a taxpayer to prove the last regular assessment was wrong; such a showing would be sufficient only in a year of regular assessment. *Id.* at 451.

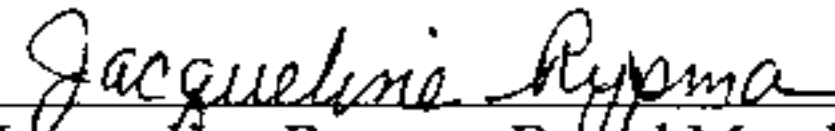
We find a preponderance of the evidence does not prove there has been a change in value of Bansals' property since the last assessment.

THE APPEAL BOARD ORDERS that the January 1, 2010, assessment as determined by the Dallas County Board of Review is affirmed.

Dated this 17 day of August 2011.



Richard Stradley, Presiding Officer



Jacqueline Rypma, Board Member

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Certificate of Service

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause & to each of the attorney(s) of record herein at their respective addresses disclosed on the pleadings on 8-17, 2011.

By: ☒ U.S. Mail ☐ FAX  
☐ Hand Delivered ☐ Overnight Courier  
☐ Certified Mail ☐ Other

Signature 